

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

TAL PROPERTIES OF POMONA, LLC
and AVROHOM MANES,

Plaintiff

Case Number

vs.

1:19-cv-06838

VILLAGE OF POMONA, BRETT YAGEL,
individually and in his official capacity as Mayor of
the Village of Pomona, and DORIS ULMAN,
individually and in her official capacity as Attorney
for the Village of Pomona,

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

TAL PROPERTIES OF POMONA, LLC
and AVROHOM MANES

Plaintiff

Case Number

vs.

7:17-cv-02928-CS

VILLAGE OF POMONA, BRETT YAGEL,
MAYOR OF THE VILLAGE OF POMONA,
and DORIS ULMAN,

Defendant

Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

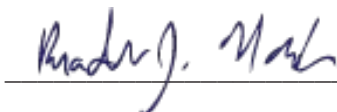
(If so, set forth procedural status and summarize any court rulings.)

Defendants filed motion to dismiss on October 16, 2017, which was granted on January 10, 2018. A judgment of dismissal was entered January 12, 2018. On November 2, 2018 Plaintiffs filed a motion to vacate the judgment and reopen case, pursuant to Rule 60(b)(2) and 60(b)(3), based on newly-discovered evidence and misconduct on the part of Defendants. On July 22, 2019, Judge Seibel issued a decision denying the motion to reopen the case, but inviting Plaintiffs to file a new action. Plaintiffs have filed a notice of appeal from the decision denying the motion to vacate.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

This action (TAL Properties of Pomona, LLC, et ano. v. Village of Pomona, Case 1:19-cv-06838) and the earlier-filed case (TAL Properties, et ano. v. Village of Pomona, et al., 17-cv-2928) assert religious discrimination claims by the same Plaintiffs against the same Defendants as part of the same scheme. Plaintiffs filed this action in light of Judge Seibel's decision denying Plaintiffs' motion to vacate the dismissal of the earlier-filed case.

Signature: _____



SCHLAM, STONE & DOLAN, LLP

Firm: _____

Date: July 23, 2019